

CCRB CASE CLOSING FORM

Investigator assigned: Kahn		Team: 7	CCRB#: 9501025	FADO: F, D
Date of incident: 2/12/95	Time of incident 12 30 PM	Location of incident: § 87(2)(b)	Pct. of occurrence: 040	Date SOL expires: 8/12/96
Date reported: 3/12 '95	Time reported 1716 hrs	To whom/where/how reported: By mail		
Complainant: § 87(2)(b)	Home address § 87(2)(b) § 87(2)(b)			
Victim(s) § 87(2)(b) § 87(2)(b) § 87(2)(b)				
Witness(es):				
Subject officer(s) (include rank) PO Anthony Ronda PO James Caban	Shield 23798 00311	Tax: 894324 895077	Command: BxNarcD BxNarcD	
Witness officer(s): N/A				
Allegation(s) by letter A) That PO Ronda entered the apartment with his gun drawn B) That PO Caban entered the apartment with his gun drawn C) That PO Ronda searched the apartment without a warrant D) That PO Caban searched the apartment without a warrant E) That an unidentified officer cursed at § 87(2)(b) F) That an unidentified officer slapped § 87(2)(b) and § 87(2)(b) § 87(2)(b) G) That an unidentified officer pushed § 87(2)(b) while leading him from the apartment				Recommendation(s): § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g) § 87(2)(g)

Summary of Facts

On 2/12/95, at about 12 30 PM, police officers knocked on the door of the apartment of § 87(2)(b) at § 87(2)(b) in the Bronx. They were let in by § 87(2)(b) who was an acquaintance of § 87(2)(b) and at the apartment to have his hair cut by her. Also in the apartment

were her sons. § 87(2)(b)

The officers had their guns drawn as they entered the apartment. They had been involved in a 'buy and bust' operation and had followed and pursued § 87(2)(b) back to his apartment following his sale of a controlled substance § 87(2)(e)

§ 87(2)(b) was handcuffed and arrested. § 87(2)(b) and § 87(2)(b) were led out of the apartment by the officers. § 87(2)(b) was released when they exited the apartment building. § 87(2)(b) was transported to the station house and charged with § 87(2)(b)

(Encl 9B)

Subsequently, § 87(2)(b) alleged that one of the two officers effecting this arrest had slapped § 87(2)(b) and § 87(2)(b). She also alleged that § 87(2)(b)'s head was pushed against a wall as he was led out of the building.

Analysis

§ 87(2)(b) was interviewed on 9/26/96. He reiterated his mother's charge that an officer slapped his brother and § 87(2)(b) (it is noted that § 87(2)(b) N [REDACTED] whereabouts are not known and, thus, he could not be interviewed regarding the incident). He also indicated that he was pushed around as he was led out of the apartment building via the staircase.

§ 87(2)(b) also alleged that he was slapped by an officer. Additionally, he complained that the apartment was searched without a warrant. It should be noted that he alleged that this officer slapped him when he complained that they didn't have a warrant. However, earlier in the interview he had stated that he was slapped when he criticized the officer for cursing (Encl 12B).

Det Ronda related that § 87(2)(b) was observed fleeing into his apartment following the illegal drug transaction. They did not have a warrant as they entered in hot pursuit. He was with PO Caban at the time. He did not deny that they may have had their guns drawn. He indicated that this would have been within normal procedure under the circumstances.

Det Ronda denied that any profanity was used or that there was any physical abuse. They did not conduct a search of the apartment. However, they did check the other rooms to make sure that no one else was there at the time of the arrest (Encl 14B). Det Ronda was the arresting officer.

Sgt Caban was interviewed on 11/14/96. He confirmed that he worked with Det Caban on the Strategic Narcotic and Gun Team (SNAG) at the time of the incident. He stated that he could not recall the incident. If this was a routine arrest, then it would not be surprising that Sgt Caban would have no recollection of it as this sort of "buy and bust" operation and arrest was a daily activity of his. Furthermore, the incident took place more than a year prior to his interview and he did not process the arrest.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [REDACTED]

New York courts have allowed searches to extend beyond the person of the arrestee and to include the defendant's "grabbable area." *U.S. v. Hernandez*, 941 F.2d 133. Additionally, the courts have allowed the police to conduct a "security sweep" and to "scan areas, whether open or closed, large enough to hide a person" *People v. Rivera*, 172 AD2d 1059. § 87(2)(g)

[REDACTED]
[REDACTED]
The complainants were unable to specify which officer or officers were responsible for the alleged cursing and slapping of § 87(2)(g) and § 87(2)(g). Likewise, they could not specify which officer was allegedly responsible for pushing § 87(2)(g) against a wall while leading him from the apartment.

§ 87(2)(g)
[REDACTED]

Investigator



Date 11/25/96

Supervisor



Date 11/25/96

Reviewed by

Date _____

Reviewed by

Date _____